

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Order Instituting Rulemaking to Develop a
Successor to Existing Net Energy Metering
Tariffs Pursuant to Public Utilities Code
Section 2827.1, and to Address Other Issues
Related to Net Energy Metering.

Rulemaking 14-07-002
(Filed July 10, 2014)

**REPLY COMMENTS OF THE
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
ON PROPOSED DECISION ON NEM REPORTING AND RESERVATION SYSTEM**

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The California Department of Corrections and Rehabilitation (CDCR) respectfully submits these Reply Comments on the Proposed Decision of Administrative Law Judge (ALJ) Simon Requiring Net Energy Metering (NEM) Cap Reporting by All Investor-Owned Utilities (IOUs) and Establishing Reservation System for Remaining Capacity Available in the Service Territory of Southern California Edison Company (SCE) (Proposed Decision) mailed on May 17, 2016. These Reply Comments are timely filed and served pursuant to Rule 14.3 of the Commission’s Rules of Practice and Procedure.

**I.
SCE’S PROPOSED CHANGES TO THE APPLICATION REQUIREMENTS ADOPTED
FOR PUBLIC AGENICES BY THE PROPOSED DECISION SHOULD BE REJECTED.**

In SCE’s Opening Comments on the Proposed Decision, SCE seeks to change a key part of the Proposed Decision adopted for the NEM Reservation System “application requirements” for “public agencies,” which requirements CDCR, as well as other parties, have strongly supported.¹ Specifically, the Proposed Decision finds in Section 2.3.3.3 (“Application Requirements”) that (1) “public agencies have a more complex process for finalizing contracts

¹ Proposed Decision, at pp. 24-25; CDCR Opening Comments, at p. 5; Appendix A, at pp. 1-3; Inland Empire Utilities Agency, Padre Dam Municipal Water District, Rancho California Water District, San Bernardino Valley Municipal Water District, Sweetwater Authority, TerraVerde Renewable Partners and Valley Center Municipal Water District (collectively, the Net Energy Metering Public Agency Coalition 2.0 or NEM-PAC 2.0) Opening Comments, at p. 2.

and completing projects than residential and commercial customers typically have,” and (2), “to allow projects of public agencies to have a place in the reservation system at an appropriate time in the agencies’ planning and contracting process, public agencies should not have to submit a signed contract in order to obtain a place in the reservation system.”²

Based on these findings, the Proposed Decision adopts distinct “application requirements” for “residential projects and non-residential projects other than public agency projects” versus those “for all projects of public agencies” as follows:³

“For all residential projects and non-residential projects other than public agency projects, customers must provide:

- Signed interconnection agreement and application form;
- Signed contract or system ownership agreement (as defined in the CSI Handbook;[footnote omitted])
- Signed attestation form confirming commitment to installing the project. [Footnote omitted.]

“For all projects of public agencies, the public agency customer must provide:

- Signed interconnection agreement and application form;
- Signed attestation form confirming commitment to installing the project.”⁴

As stated in CDCR’s Opening Comments on the Proposed Decision, the separate requirements adopted by the Proposed Decision for public agencies remedied CDCR’s concerns with the Staff Proposal, which had not offered a scenario specific to “public agency” projects, especially the CDCR project size authorized under Section 2827. CDCR, therefore, supported these application requirements and asked that they also be included in the Proposed Decision’s findings, conclusions, and orders.⁵

² Proposed Decision, at p. 24.

³ Id., at pp. 24-25.

⁴ Id.

⁵ CDCR Opening Comments, at p. 5; Appendix A, at pp. 1-3.

Similarly, in the joint Opening Comments of Inland Empire Utilities Agency, Padre Dam Municipal Water District, Rancho California Water District, San Bernardino Valley Municipal Water District, Sweetwater Authority, TerraVerde Renewable Partners and Valley Center Municipal Water District (collectively, the Net Energy Metering Public Agency Coalition 2.0 or NEM-PAC 2.0), the NEM-PAC 2.0 parties also “strongly support[ed] the PD’s application requirements for public agencies to reserve space in SCE’s reservation system.”⁶ As stated by NEM-PAC 2.0, these distinct requirements are necessary to recognize, as the Proposed Decision does, that “public agencies have a more complicated contracting process” that should, and is, expressly incorporated in the public agencies’ application requirements adopted by the Proposed Decision.⁷

Despite the clear rationale and support for the Proposed Decision’s application requirements for public agencies, SCE, based solely on a claimed desire to “simplify the process” *for SCE*, seeks to alter Section 2.3.3.3. of the Proposed Decision to remove its adopted application requirements distinctions and instead require a “*standard* reservation request” for all customers, without differentiation for public agencies, to include:⁸

- “1. Signed and Completed Interconnection Application;
- “2. Accurate Single Line Diagram;
- “3. Load Justification Documentation (if applicable); and
- “4. Signed contract or system ownership agreement *or* signed attestation form confirming commitment to install the project.”⁹

CDCR objects to these changes being made to Section 2.3.3.3 of the Proposed Decision, not only because they alter the very appropriate distinctions between application requirements

⁶ NEM-PAC 2.0 Opening Comments, at p. 2. See also, Proposed Decision, at p. 24.

⁷ *Id.*

⁸ SCE Opening Comments, at p. 5; emphasis added.

⁹ *Id.*, at p. 6; emphasis original.

adopted for public agencies versus other customers, but also because these changes now include two newly introduced items of documentation that are not part of the record on the reservation system issue, and no such authority has been provided by SCE. These items are the Accurate Single-Line Drawing and the Load Justification Documentation.

Further, with respect to the single-line diagram, this diagram is a required section of the interconnection application. It is, therefore, redundant for it to be added as a distinct application requirement of the reservation system, and it is clearly unnecessary to do so and should not be adopted by the Commission.

As to the Load Justification Documentation requested by SCE, this “requirement” is vaguely worded and lacks a formal definition, and SCE fails to provide any clear explanation in support of that additional requirement. SCE should have defined what this documentation entails and explained why it is being requested (to what purpose will it be used?). Since these explanations were not provided by SCE in its Comments, that requested addition to SCE’s Reservation System should also be denied.

II. THE PROPOSED DECISION’S ADOPTION OF A NEM RESERVATION SYSTEM FOR SCE SHOULD BE UPHELD.

In their Opening Comments, the California Solar Energy Industry Association (CalSEIA) states that their “group” is now “divided on whether ... a reservation system should be implemented.”¹⁰ The Energy Freedom Coalition of America (EFCA), which is a member of CalSEIA filed separate comments stating that such a system is “likely unnecessary,” suggesting, without any supporting facts, that such a system “could lead to the cap being reached.”¹¹

¹⁰ CalSEIA Opening Comments, at p. 8.

¹¹ EFCA Opening Comments, at p. 3.

CDCR finds both sets of Comments vaguely worded and without adequate support to alter the determination made by the Proposed Decision to require a reservation system at least for SCE. The Proposed Decision's rationale and findings fully support that outcome and should be upheld with the modifications requested by CDCR in its Opening Comments.

III. CONCLUSION

CDCR respectfully requests that the Proposed Decision's adoption of a NEM Reservation System for SCE, including the distinct application requirements for public agencies, should be upheld, as modified as requested by CDCR in its Opening Comments. CDCR's requested modifications, again, are necessary to correct misstatements regarding CDCR's Comments on the Staff Proposal and its requested relief and to include the requirements of SCE's NEM Reservation System in the final Findings of Fact, Conclusions of Law, and Ordering Paragraphs.

Respectfully submitted,

June 12, 2016

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